

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

MICHAEL COLE KAISER,

**Plaintiff,**

v.

RODAKOWSKI, et al.,

## Defendants.

Case No. 3:20-cv-05373-BHS-TLF

**ORDER DIRECTING FILING OF  
WAIVERS OR ADDRESSES OF  
UNSERVED DEFENDANTS  
UNDER SEAL**

On June 24, 2020, the Court directed service of plaintiff's complaint. Dkt. 8, 9.

Waivers of service were due July 24, 2020. See *id.* To date, defendants T. Abraha and Amy Mok have not returned waivers of service. Defense counsel has entered an appearance on behalf of the remaining defendants – defendants Rodakowski, Washington State Department of Corrections, White and Arnoff – but has not appeared on behalf of defendants Abraha and Mok. See Dkt. 23.

The court has no jurisdiction over defendants Mok and Abraha until they have been properly served under Fed. R. Civ. P. 4. *Direct Mail Specialists, Inc. v. Eclat Computerized Techs., Inc.*, 840 F.2d 685, 688 (9th Cir. 1988). Under Rule 4(c)(2), the Court may order that personal service be made by a United States Marshal. However, in this district, the marshals do not attempt personal service upon a defendant unless mail service is unavailing. See Local Rule 4(c).

**ORDER DIRECTING FILING OF WAIVERS OR  
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If defendants Rodakowski, Washington State Department of Corrections, White and Arnoff are in possession of the last known business or residential address of defendants Mok and Abraha, they are ordered to submit such address(es) to the Court under seal on or before September 14, 2020 so that the Clerk may attempt to effect service. This solution alleviates two concerns involving prisoner litigation: (1) the security risks inherent in providing prisoners with addresses of people formerly employed by the state; and (2) reducing the problems prisoners sometimes encounter when they are attempting to access information through the government. *Sellers v. United States*, 902 F.2d 598, 602-603 (7th Cir. 1990). Defendants Mok and Abraha may also satisfy this order by filing a waiver and by having counsel enter a notice of appearance on his or her behalf. All service documents with said address(es) shall also be filed under seal.

13 The Clerk shall provide a copy of this order to all parties.

14 Dated this 24th day of August, 2020.

Theresa L. Fruke

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Theresa L. Fricke  
United States Magistrate Judge

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